

United States District Court  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA  
VENUE: SAN FRANCISCO

FILED

MAR - / 2013

RICHARD W. WIEKAMER  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

**CR 13 149**

QUIN NGOC RUDIN

**JST**

DEFENDANT(S).

**INDICTMENT**

18 U.S.C. § 1343 - Wire Fraud  
18 U.S.C. § 1028A- Aggravated Identity Theft

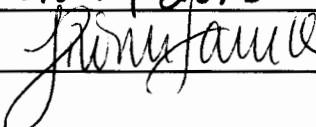
A true bill.



Foreman

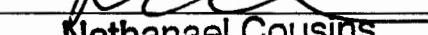
Filed in open court this 7<sup>th</sup> day of

MARCH, 2013



Clerk

Bail, \$ no bail/ arrest warrant

  
**Nathanael Cousins**  
United States Magistrate Judge

02/13-149-JST

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  INFORMATION  INDICTMENTMatter Sealed:  Juvenile  Other than Juvenile

Pre-Indictment Plea  Superseding  Defendant Added  
 Indictment  Charges/Counts Added  
 Information

Name of District Court, and/or Judge/Magistrate Location (City)

UNITED STATES DISTRICT COURT San Francisco  
DISTRICT OF Northern California Divisional Office

Name and Office of Person Furnishing Information on THIS FORM  
 U.S. Atty  Other U.S. Agency  
Phone No. \_\_\_\_\_

Name of Asst.  
U.S. Attorney (if assigned) Hallie Hoffman and Kyle Waldinger

## PROCEEDING

Name of Complainant Agency, or Person (&amp; Title, if any)

Federal Bureau of Investigation

 person is awaiting trial in another Federal or State Court (give name of court) this person/proceeding transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District \_\_\_\_\_ this is a reprocsecution of charges previously dismissed which were dismissed on motion of: U.S. Atty  Defense this prosecution relates to a pending case involving this same defendant. (Notice of Related Case must still be filed with the Clerk.) prior proceedings or appearance(s) before U.S. Magistrate Judge regarding this defendant were recorded under \_\_\_\_\_

SHOW DOCKET NO.

MAG. JUDGE CASE NO.

3-13-70192

Place of offense Northern District of Calif. County

CASE NO.

USA vs.

Defendant: QUIN NGOC RUDIN

Address: *JST*

FILED

MAR - 7 2013

RICHARD W. WIEKING

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

 Interpreter RequiredBirth \_\_\_\_\_  Male  Alien  
Date \_\_\_\_\_  Female (if applicable)

Social Security Number \_\_\_\_\_

## DEFENDANT

Issue:  Warrant  Summons

Location Status:

Arrest Date \_\_\_\_\_ or Date Transferred to Federal Custody \_\_\_\_\_

- Currently in Federal Custody  
 Currently in State Custody  Writ Required  
 Currently on bond  
 Fugitive

Defense Counsel (if any): \_\_\_\_\_

- FPD  CJA  RET'D  
 Appointed on Target Letter

 This report amends AO 257 previously submitted

## OFFENSE CHARGED - U.S.C. CITATION - STATUTORY MAXIMUM PENALTIES - ADDITIONAL INFORMATION OR COMMENTS

Total # of Counts 3

Set	Title & Section/Offense Level (Petty = 1 / Misdemeanor = 3 / Felony = 4)	Description of Offense Charged	Count(s)
18 U.S.C. 1343	Wire Fraud	2	
18 U.S.C. 1028A(a)(1)	Aggravated Identity Theft	1	

1 MELINDA HAAG (CABN 132612)  
2 United States Attorney  
3  
4

FILED

MAR - / 2013

RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

7  
8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION

JST

11 UNITED STATES OF AMERICA, )  
12 Plaintiff, )  
13 v. )  
14 QUIN NGOC RUDIN, )  
15 a/k/a DEAN RUBIN, )  
16 a/k/a DAVID RUBIN, )  
17 Defendant. )  
18  
19 VIOLATIONS: 18 U.S.C. § 1343 — Wire  
20 Fraud; 18 U.S.C. § 1028A(a)(1) —  
21 Aggravated Identity Theft; 18 U.S.C.  
22 § 981(a)(1)(C) and 28 U.S.C. § 2461(c) —  
23 Wire Fraud Forfeiture  
24 SAN FRANCISCO VENUE  
25  
26

27 INDICTMENT

28 The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

29 At all times relevant to this Indictment:

30 1. The defendant QUIN NGOC RUDIN, who also used the names Dean Rubin and  
31 David Rubin, was an individual who resided in the Southern District of California.

32 2. Cisco Systems, Inc. ("Cisco Systems") was a corporation headquartered in San  
33 Jose, California. Among other business activities, Cisco Systems designed, manufactured, and  
34 sold Internet protocol-based networking and other products related to the communications and  
35 information technology industry.

36 3. Cisco Systems Capital Corporation ("Cisco Capital"), also headquartered in San

1 Jose, was a wholly owned subsidiary of Cisco Systems. Cisco Capital financed transactions in  
2 which end-users obtained Cisco products through Cisco-authorized distributors or partners. For  
3 purposes of this Indictment, Cisco Systems and Cisco Capital will be referred to both  
4 individually and collectively as “Cisco.”

5       4. CGC Digital LLC (“CGC”) was an entity controlled at least in part by RUDIN.  
6 On or about June 20, 2011, CGC became an authorized partner of Cisco. At some time prior to  
7 September 2012, a Wells Fargo bank account ending in -1653 was opened in CGC’s name  
8 through a Wells Fargo banking consultant in San Francisco, California.

9           5. Altura Pharmaceuticals, Inc. ("Altura") was a pharmaceutical company  
10          headquartered in Santa Fe Springs, California. The individual identified herein as "C.R." was an  
11          employee of Altura.

**12 | COUNTS ONE AND TWO:** (18 U.S.C. § 1343 — Wire Fraud)

13           6. The factual allegations in Paragraphs 1 through 5 are re-alleged and incorporated  
14 herein as if set forth in full.

15        7. Beginning on a date unknown to the Grand Jury, but no later than in or about  
16 October 2012, and continuing until February 2013, both dates being approximate and inclusive,  
17 within the Northern District of California and elsewhere, the defendant,

QUIN NGOC RUDIN,  
a/k/a DEAN RUBIN,  
a/k/a DAVID RUBIN,

20 together with others known and unknown to the Grand Jury, did knowingly and intentionally  
21 execute and attempt to execute a material scheme and artifice to defraud, and to obtain money  
22 and property by means of material false and fraudulent pretenses, representations, and promises,  
23 and concealment of material facts. In sum and substance, RUDIN defrauded Cisco out of  
24 equipment and funds by falsely representing to Cisco that Altura had entered into agreements to  
25 obtain millions of dollars of Cisco equipment, when, in truth, Altura had not entered into any  
26 such agreements.

## THE SCHEME AND ARTIFICE

8. On or about September 19, 2012, RUDIN, using the false name Dean Rubin,

**1** renewed CGC's partnership agreement with Cisco.

2        9. On several occasions in 2012, RUDIN met with a Cisco employee regarding  
3 CGC's role as a Cisco-authorized partner. RUDIN used the false name "Dean Rubin" in his  
4 dealings with this Cisco employee, although he also told the Cisco employee that his "Hawaiian  
5 name" was "Quin." RUDIN never disclosed his true name to Cisco employees.

6           10. On or about October 8, 2012, a representative of CGC contacted Cisco to arrange  
7 the lease of Cisco equipment on behalf of Altura. Based on the information provided by CGC,  
8 Cisco approved the lease of equipment to Altura. In truth, Altura did not intend to lease any  
9 Cisco equipment, and no employee of Altura had engaged CGC to arrange a lease.

10        11. On or about October 23, 2012, RUDIN caused the creation of an Internet domain  
11 purported to be that of Altura ending in “.net.” This .net domain was registered, not to Altura,  
12 but to CGC.

13        12. In October 2012, RUDIN caused C.R.'s name to be used and C.R.'s signature to  
14 be forged on agreements with Cisco. On October 25 and October 26, 2012, a representative of  
15 CGC e-mailed Cisco signed copies of agreements regarding Altura's lease of Cisco equipment.  
16 Each agreement was purportedly signed by C.R., as Altura's Chief Financial Officer.

17        13. On or about November 20, 2012, and January 3, 2013, RUDIN caused e-mails to  
18 be sent from the Altura .net domain to a Cisco representative. Each e-mail purported to be from  
19 C.R. at Altura, and each e-mail prompted Cisco to make a payment to CGC. These payments  
20 were made on or about November 29, 2012, and on or about January 9, 2013.

## **EXECUTION OF THE SCHEME**

14. On or about the dates set forth in the separate counts below, in the Northern  
District of California and elsewhere, the defendant,

QUIN NGOC RUDIN,  
a/k/a DEAN RUBIN,  
a/k/a DAVID RUBIN,

26 for the purpose of executing and attempting to execute the scheme and artifice set forth above,  
27 did knowingly transmit and cause to be transmitted, in interstate commerce, by means of a wire

28 | //

1 communication, certain writings, signs, and signals, as more specifically described below:

COUNT	DATE OF WIRE	NATURE OF WIRE COMMUNICATION
One	11/29/2012	Wire transfer of \$1,464,499.90 from Cisco's Bank of America account in New York to CGC's Wells Fargo Bank account in the Northern District of California ending in -1653
Two	01/09/2013	Wire transfer of \$507,169.83 from Cisco's Bank of America account in New York to CGC's Wells Fargo Bank account in the Northern District of California ending in -1653

7 All in violation of Title 18, United States Code, Section 1343.

8 COUNT THREE: (18 U.S.C. § 1028A(a)(1) — Aggravated Identity Theft)

9 15. The factual allegations in Paragraphs 1 through 5 and Paragraphs 7 through 13 are  
10 re-alleged and incorporated herein as if set forth in full.

11 16. On or about and between October 25, 2012, and February 13, 2013, in the  
12 Northern District of California and elsewhere, the defendant,

13 QUIN NGOC RUDIN,  
14 a/k/a DAVID RUBIN,  
a/k/a DEAN RUBIN,

15 did knowingly possess and use, without lawful authority, a means of identification of another  
16 person, namely, the name and purported signature of C.R., during and in relation to felony  
17 violations of Title 18, United States Code, Section 1343, as alleged in Counts One and Two of  
18 this Indictment.

19 All in violation of Title 18, United States Code, Section 1028A(a)(1).

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**FORFEITURE ALLEGATION:** (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) — Wire Fraud Forfeiture)

17. The preceding factual allegations of this Indictment are hereby re-alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C. § 981(a)(1)(C).

18. Upon conviction of one or more of the offenses alleged in Counts One and Two of this Indictment, the defendant,

QUIN NGOC RUDIN,  
a/k/a DEAN RUBIN,  
a/k/a DAVID RUBIN,

shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(1)(C) all property constituting, and derived from, proceeds the defendant obtained directly and indirectly, as the result of those violations, including, but not limited to, the following:

a. \$213,388.58 in funds seized from CGC's Wells Fargo Bank account in the Northern District of California ending -1653

19. If any of the aforementioned property, as a result of any act or omission of the defendant —

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property that cannot be divided without difficulty;

any and all interest defendant has in other property shall be vested in the United States and forfeited to the United States pursuant to 21 U.S.C. § 853p, as incorporated by 28 U.S.C.

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1 § 2461(c).

2 All in violation of Title 18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c), and Rule 32.2 of the  
3 Federal Rules of Criminal Procedure.

4

5 DATED:

6 March 7, 2013

7

8 MELINDA HAAG  
9 United States Attorney

10

11 *J. Douglas W. Hoen for*

12 MIRANDA KANE  
Chief, Criminal Division

13

(Approved as to form: *MH* *Waldinger*)  
14 AUSAs HOFFMAN & WALDINGER

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A TRUE BILL

  
FOREPERSON